

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER L. LACY,)	
)	
Petitioner,)	
)	
v.)	No. CIV 13-487-RAW
)	
OKLAHOMA DEPARTMENT)	
OF CORRECTIONS,)	
)	
Respondent.)	

OPINION AND ORDER

Petitioner, an inmate in the custody of the Oklahoma Department of Corrections (DOC) who is incarcerated at Davis Correctional Facility in Holdenville, Oklahoma, has filed this petition for a writ of mandamus, pursuant to Okla. Stat. tit. 12, § 1451:

The writ of mandamus may be issued by the Supreme Court or the district court, or any justice or judge thereof, during term, or at chambers, to any inferior tribunal, corporation, board or person, to compel the performance of any act which the law specially enjoins as a duty, resulting from an office, trust or station; but though it may require an inferior tribunal to exercise its judgment or proceed to the discharge of any of its functions, it cannot control judicial discretion.

Id.

Petitioner is complaining that DOC officials are obstructing his access to the courts by not allowing him to pursue all his DOC administrative remedies regarding credit for his jail time. He, therefore, is unable to file a lawsuit against DOC for its refusal to correct the length of his sentence. He asks the court to issue a writ of mandamus to compel DOC officials to respond to his grievance or to give him full credit on his sentence for the time he

served in county jails.

The court has carefully reviewed the record and construes petitioner's pleading liberally. *See Haines v. Kerner*, 404 U.S. 519 (1972). Although his petition is unclear, the court finds it is not the appropriate cause of action for the claims he is presenting. The proper cause of action for challenging credit for his jail time would be a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241. Furthermore, this court lacks the authority to issue a writ of mandamus under Okla. Stat. tit. 12, § 1451.

ACCORDINGLY, petitioner's petition for a writ of mandamus (Docket No. 1) is **DENIED**, and this action is **DISMISSED**. The Court Clerk is directed to send petitioner the form and instructions for filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, along with the form and instructions for filing a motion for leave to proceed *in forma pauperis*.

IT IS SO ORDERED this 31st day of October 2013.

Dated this 31st day of October, 2013.

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma